

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 1003**

**Introduced by Senator Ashburn**

February 21, 2003

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An act to add Section 1526.76 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1003, as amended, Ashburn. Community care facilities: foster care.

Existing law requires the State Department of Social Services to license community care facilities, including group home facilities, foster family homes, and foster family agencies. Existing law provides that if a facility is out of compliance with a licensing standard, the department is required to advise the provider of the noncompliance, provide an opportunity for the provider to correct the deficiency, and implement a procedure whereby a citation for noncompliance may be appealed and reviewed.

This bill would provide that if the department determines that a specified violation has occurred in a group home facility, foster family home, or foster family agency, the licensee may show that he or she acted reasonably under the circumstances to comply with the relevant licensing standard, and if this showing is made, the bill would require the department to ~~dismiss~~ *not issue* the citation. ~~This bill would also require the department to adopt and implement regulations that establish a standard for maintaining records of allegations and complaints, as specified.~~

*This bill would also require the department to dismiss a citation if, during the appeal of the citation, the licensee shows that he or she acted*

*reasonably under the circumstances to comply with the relevant licensing standard. This bill would also require the department to remove any reference to the dismissed violation from the public record of the licensee.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1526.76 is added to the Health and  
2 Safety Code, to read:

3 1526.76. (a) If the department determines that a violation of  
4 a licensing standard established by a statute or regulation has  
5 occurred in a group home facility, foster family home, or foster  
6 family agency, the licensee may show that the licensee did that  
7 which is reasonably expected of a group home facility licensee,  
8 foster family home licensee, or foster family agency licensee  
9 acting under similar circumstances to comply with the standard. If  
10 the licensee makes this showing, the department ~~shall dismiss~~ *may*  
11 *not issue* the citation.

12 ~~(b) The department shall adopt and implement regulations that~~  
13 ~~establish a standard for maintaining records of allegations and~~  
14 ~~complaints that include all of the following:~~

15 ~~(1) Information about appeals and corrective actions shall be~~  
16 ~~included in any future use of past allegations.~~

17 ~~(2) A specified time period for removing past allegations and~~  
18 ~~citations from the facility's, home's, or agency's record.~~

19 (b) *If, during the appeal of a citation, the licensee shows that*  
20 *he or she did that which is reasonably expected of a group home*  
21 *facility licensee, foster family home licensee, or foster family*  
22 *agency licensee acting under similar circumstances to comply with*  
23 *the licensing standard, the department shall dismiss the citation.*

24 (c) *If a citation is dismissed pursuant to this section, the*  
25 *department shall remove any reference to the dismissed violation*  
26 *from the licensee's public record.*

